



October 21, 2022

Honorable Judge James L. Cott  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1360  
New York, NY 10007

**Re: Case Status Update and Proposed Amended Scheduling Order**

Stephen Gannon v. Yan Ping Association, Inc., et al.  
Case # 22-cv-1675

Dear Judge Cott,

This letter is jointly submitted by Adam Ford, counsel to Plaintiff, and Stephen Barrett, counsel to Defendant Awesome Awesone Inc. Morton S. Minsley, counsel to Defendant Yan Ping Association, Inc., declined to join this letter.

Pursuant to the Scheduling Order entered by this Court on June 29, 2022 (Dkt. 21), initial requests for production of documents and interrogatories were to be served by July 29, 2022, and depositions were to be completed by October 24, 2022. Expert discovery is set to close on January 31, 2023. All parties met the deadline of serving initial discovery requests by July 29, 2022, and Plaintiff circulated a settlement proposal via email on the same date.

On July 15, 2022, Mr. Minsley served a notice of deposition via USPS First Class Mail and, on July 29, 2022, sent an email to all counsel of record attached to which was the notice of Plaintiff's deposition and requests for the production of documents directed to Plaintiff. The deposition did not take place and Plaintiff has not responded to Mr. Minsley's document requests. Mr. Minsley did not communicate with Plaintiff's counsel between the July 29 email and the present time regarding the deposition or document requests.

On July 29, 2022, Defendant Awesome Awesome Inc. served its First Request to Produce to Plaintiff. To date, Plaintiff has not responded to these requests.

**Adam D. Ford**  
228 Park Avenue South  
New York, New York 10003

**adam.ford@fordhufflaw.com**  
(212) 287-5913  
www.fordhufflaw.com

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On the morning of July 15, 2022, Mr. Ford was in a very serious car accident. He was rear-ended while stopped at a stop light by a Ford F-150 truck traveling approximately 40 miles per hour. In addition to extensive damage to his right knee which necessitated surgery, Mr. Ford suffered a severe concussion, made worse as it reaggravated the head injury which resulted in his service-related medical discharge from the U.S. Army two decades ago. The road to recovery has been slow and painful but is coming along.

Mr. Ford apologizes to Mr. Minsley, Mr. Barrett, and this Court for not responding to discovery, including providing no communication regarding the deposition of the Plaintiff.

Mr. Ford and Mr. Minsley are opposing counsel in a different unrelated ADA case where the same deposition date for Plaintiff had been noticed (a consolidated single deposition of the Plaintiff for multiple cases where Mr. Minsley represents different defendants). In light of Mr. Ford's accident, the judge in that case (Judge Abrams, 22-cv-1681) extended fact discovery dates by 90 days to allow the parties to complete fact discovery. The undersigned parties believe the same should be done here.

The undersigned parties therefore ask this Court that dates in Section III of the Scheduling Order (Dkt. 21) be pushed back 90 days, as proposed below, to allow the parties to complete discovery and, if the matter is not settled, prepare for trial.

**III. Proposed Schedule**

- a. Deadline for serving initial documents requests and initial interrogatories:  
~~July 29, 2022~~ **October 28, 2022.**
- b. Deadline for joining parties or filing amended pleadings: ~~July 8, 2022~~  
**November 7, 2022.**
- c. The names of non-expert witnesses expected at this time to be deposed (if known) and either specific dates or a timetable for when depositions will take place:
  - At this time, non-expert witness expected to be deposed is Stephen Gannon. Plaintiff will conduct fact depositions of Defendants pursuant to Rule 30(b)(6).
  - Depositions will be completed by ~~October 24, 2022~~ **January 24, 2023.**
- d. Date by which all non-expert discovery shall be completed: ~~November 30, 2022~~ **March 1, 2023.**
- e. In the event either side contemplates calling an expert witness:

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- i. Anticipated fields of expert testimony: ADA Expert, architect, accounting/finance.
- ii. Dates by which the disclosures of the identities and reports of expert required by Rule 26(a)(2) will be made: ~~December 30, 2022~~ **March 30, 2023**.
- iii. The date by which depositions of experts shall be completed: ~~January 31, 2023~~ **May 1, 2023**.
- f. The date by which pretrial motions, if any, will be filed; or, if no such motions are contemplated, the date by which the parties will submit a joint pretrial order in accordance with procedures of the judge before whom the trial will be conducted: ~~February 28, 2022~~ **May 30, 2023**.

We thank the court for its attention in this matter.

Respectfully Submitted,

/s/ Adam Ford

Adam Ford  
Counsel for Plaintiff

/s/ Stephen Barrett

Stephen Barrett  
Counsel for Awesome Awesome Inc.

cc: All Counsel of Record (via ECF)